

1 STIP

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12 Attorney for the United States

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,	13)	2:17-CR-00316-RFB-CWH
14 Plaintiff,	14)	STIPULATION/AGREED MOTION
15 SERGIO BARAJAS,	15)	TO CONTINUE RULE 16
16 ALAN CASSELL,	16)	DEADLINE SET BY THE COURT
17 ELENA MILLNER	17)	(First Request)
18 BENJAMIN STUELKE,	18)	
19 MICHELLE ACOSTA,	19)	
20 ART ACOSTA, and	20)	
21 ERNESTO GARCIA	21)	
	22)	
21 Defendants.	22)	
	23)	

23 IT IS HEREBY STIPULATED and AGREED by and between the United
24 States of America, by and through LISA C. CARTIER GIROUX, Assistant United
25 States Attorney, and defendant SERGIO BARAJAS, by and through his counsel,
26 Russell Marsh, Esq., defendant ALAN CASSELL, by and through his counsel,
27 David Brown, Esq., defendant ELENA MILLNER, by and through her counsel Peter

1 Christiansen, Esq., defendant BENJAMIN STUELKE, by and through his counsel
2 Michael Nasatir, Esq., defendant MICHELLE ACOSTA, by and through her
3 counsel, Richard Anderson, Esq., defendant ART ACOSTA, by and through his
4 counsel Nolan King, Esq., and defendant ERNESTO GARCIA, by and through his
5 counsel, Dean Steward, Esq., to respectfully request that the Court order that the
6 disclosure deadline previously set for the parties to comply with Federal Rule of
7 Criminal Procedure 16 be moved to May 1, 2018.
8

9
10 This stipulation is entered into for the following reasons:

11 1. The United States' position is that it has complied with Rule 16 in that it
12 has made available to the defendants for inspection, copying, or
13 photographing the items detailed for disclosure under the rule. Counsel
14 for the defendants requested that the United States provide them with a
15 copy of discovery, and the United States has agreed to do so as a courtesy.
16

17 2. The discovery in this case is voluminous, and a series of thumb drives
18 have been requested in order to provide said discovery to defense. To
19 date, some of the parties are in the process of receiving discovery and
20 providing the United States with thumb drives. As such, compliance will
21 not be possible by the January 5, 2018 date previously set by the Court.
22

23 *See ECF No. 73.*

25 3. Additionally, there are outstanding trial subpoenas that have been issued
26 by the United States that have not yet been complied with, and the
27
28

1 United States is still awaiting a response on those subpoenas. The United
2 States will promptly provide defense counsel with said items upon receipt.
3

4 4. Counsel for defendants would also need additional time in order to review
5 the voluminous discovery provided, and to comply with their disclosure
6 requirements under Rule 16 as the United States had made a demand for
7 reciprocal discovery. *See* ECF No. 50.
8

9 5. The parties have recently filed a stipulation to continue the trial date
10 requesting that the Court continue the trial date to a date no sooner than
11 ninety (90) days after November 26, 2018. ECF No. 77.
12

13 6. A denial of this request for the additional time to comply could result in a
14 miscarriage of justice.

15 Dated this 4th day of January, 2018.

16

17 /s/ Lisa Cartier Giroux
18 LISA CARTIER GIROUX
19 Assistant United States Attorney

20 /s/ Russell Marsh
21 RUSSELL MARSH, ESQ.
22 Attorney for *Sergio Barajas*

23 /s/ David Brown
24 DAVID BROWN, ESQ.
25 Attorney for *Alan Cassell*

26 /s/ Peter Christiansen
27 PETER CHRISTIANSEN, ESQ.
28 Attorney for *Elena Millner*

29 /s/ Michael Nasatir
30 MICHAEL NASATIR, ESQ.
31 Attorney for *Benjamin Stuelke*

32 /s/ Richard Anderson
33 RICHARD ANDERSON, ESQ.
34 Attorney for *Michelle Acosta*

/s/ Nolan King
NOLAN KING, ESQ.
Attorney for Art Acosta

/s/ Dean Steward
DEAN STEWARD, ESQ.
Attorney for Ernesto Garcia

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 2:17-CR-00316-RFB-CWH

2:17-CR-00316-RFB-CWH

Plaintiff,) ORDER

SERGIO BARAJAS,
ALAN CASSELL,
ELENA MILLNER
BENJAMIN STUELKE,
MICHELLE ACOSTA,
ART ACOSTA, and
ERNESTO GARCIA.

Defendant.)

ORDER

IT IS ORDERED that the parties' disclosure under Federal Rule of Criminal Procedure 16 shall be made by May 1, 2018.

DATED this 9th of January, 2018.

SB

HONORABLE RICHARD F. BOULWARE
United States District Judge